**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION.**

**CRIMINAL APPEAL NO. 496 OF 1999**

Satish Laxman Gavate & anr ..... Appellant.

versus

The State of Maharashtra .... Respondents.

WITH

CRIMINAL APPEAL NO. 570 OF 1999

Abdulla Mehboob Sarguru ..... Appellant.

versus

The State of Maharashtra ..... Respondents.

.....

Shri Shirish Gupte with Shri B.G.Tangsali for appellant in Appeal No.496/99.

Shri H.H.Ponda with Shri Shirish Gupte with Shri S.V.Marwadi for the appellant in Appeal No. 570/99.

Mrs. P.H. Kantharia APP for the State in both the appeal.

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**CORAM ; V.G.PALSHIKAR &**
**ANOOP V. MOHTA, JJ.**

**DATED; 27TH OCTOBER, 2004.**

**P.C.;**

1. Appellant No.2, original accused no.6 in Criminal Appeal No.496 of 1999 is reported dead. The appeal in so far as he is concerned, therefore abates.

2. During the pendency of the appeal No.570 of 1999,

accused no.3 was released on bail by this court. Subsequently that accused no.3 was not present in court or was not traceable. Therefore orders were issued to seek his production in court. So far, nothing has been done. Police have been unable to apprehend the accused inspite of orders of this court. However, we see no reason why the hearing of the appeal should be post-poned till he is produced before the court.

3. Heard the learned counsel for the appellants in both the appeals and the learned A.P.P. for the State.

3. For reasons recorded separately the appeals are allowed. The convictions and sentence passed by the trial judge are set aside.

4. The accused who are on bail, their bail bonds are cancelled.

4. The accused who are in jail be released forthwith, if not otherwise required under the law.

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